

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LOUDEN LLC,

No. C 12-05070 SI

Plaintiff,

**ORDER REMANDING ACTION TO  
CONTRA COSTA COUNTY SUPERIOR  
COURT**

v.

GARY MILANO, BILL MARTIN and MARY  
MARTIN,

Defendants.

Currently before the Court is plaintiff's third motion to remand, ex parte application for an order shortening time to hear same, and the application of defendants Bill and Mary Martin to proceed in forma pauperis.

This is the third time this unlawful detainer action (Case No. PS 12-0800, Contra Costa County Superior Court) has been removed from state court.<sup>1</sup> It was previously remanded for lack of federal jurisdiction by Judge Seeborg (No. C 12-4548 RS) and Judge Armstrong (No. C 12-5972 SBA). This is the same complaint and it still lacks federal jurisdiction.

Accordingly, this action is REMANDED to the Superior Court for Contra Costa County. All pending motions are DENIED as moot.

**IT IS SO ORDERED.**

Dated: March 14, 2013



SUSAN ILLSTON  
United States District Judge

<sup>1</sup> The underlying complaint for unlawful detainer named Gary Milano and Bill Martin as defendants. This removal was filed by Bill Martin and Mary Martin only. Were removal otherwise proper, which it is not, it would be rendered improper by defendants' failure to join all defendants in removal. Further, defendants neglected to file a copy of the unlawful detainer complaint with their notice of removal.